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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/656,678	09/07/2000	Walter J. Hein	8190-424	1936
826	7590	04/26/2006	EXAMINER	
ALSTON & BIRD LLP BANK OF AMERICA PLAZA 101 SOUTH TRYON STREET, SUITE 4000 CHARLOTTE, NC 28280-4000			BAYAT, BRADLEY B	
			ART UNIT	PAPER NUMBER
			3621	

DATE MAILED: 04/26/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)
	09/656,678	HEIN ET AL.
	Examiner Bradley B. Bayat	Art Unit 3621

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).

Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 18 January 2006.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-8 and 10-20 is/are pending in the application.
 - 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1-8 and 10-20 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) <input type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413)
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	Paper No(s)/Mail Date: _____
3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____	5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)
	6) <input type="checkbox"/> Other: _____

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on January 18, 2006 has been entered.

Status of Claims

This communication is in response to amendment filed on January 18, 2006.

- Claims 1, 3-7, 10 and 11 have been amended.
- New claims 18 -20 have been added.
- Claim 9 has been canceled.
- Thus, claims 1, 2-8 and 10-20 remain pending.

Response to Arguments

Applicant's arguments filed June 29, 2005 have been fully considered but they are not persuasive.

Applicant argues that the amendment to the claims as presented has overcome the cited rejection under Hurd (response p. 11). Particularly, applicant has amended the claims to include "issues and comments," indicate that the originating entity is an aircraft manufacturer, and include a suggested cost for resolving the issue (response p. 11-12).

Applicant's amendment to include an issue and a comment from just an issue or a comment does not distinguish the claimed subject matter from the cited prior art. Hurd discloses that beyond raising an issue, an issue description provides an indication of what the issue is

about and the surrounding circumstances (column 3). Such information is no different than posting comments describing any information about the issue, as disclosed by Hurd.

As indicated in the previous action, applicant's indication of a specific industry use cannot overcome the cited reference. It would be unreasonable to differentiate and award a new patent to an inventor that merely added a new industry to the subject matter of the claims.

Furthermore, the addition of a suggested cost of resolving an issue is a variable that would be obvious to include in the proposal to the resolution of an outstanding issue that requires to be solved. For instance, it is obvious that anytime a question is raised to service an item, it follows that the questioner would like to know the approximate cost associated with the solution.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-8 and 10-20 are rejected under 35 U.S.C. 102(e) as being unpatentable over Hurd, II, U.S. Patent 6,222,535 B1.

1,5. Hurd discloses a method/system of collaboratively identifying, prioritizing, and resolving issues affecting a series of similar complex systems, the method being implemented over a computer network and comprising:

- receiving issues and comments corresponding to the issues from a customer or an originating entity administering the series and wherein the receiving step comprising receiving the issues and comments for posting on a discussion-capable electronic media configures to have a plurality of issues and a plurality of comments posted thereon (column 2, lines 16-27; column 3, line 53-column 4, line 40);
- accessing the electronic media by a committee including a customer representative and an originating entity representative (column 6, lines 3-32);
- assigning an action issue by the committee to one of the customer or the originating entity for conducting a resolution investigation thereon and sending therewith a set of resolution directions for conducting the respective resolution investigation, the set of resolution directions including a suggested cost for resolving the issues; and (column 4, lines 47-59);
- receiving a resolution proposal, for the assigned action issue resulting from the corresponding resolution investigation, the resolution proposal being received from the assigned customer or originating entity and being accessible by the committee to evaluate the resolution proposal (column 5, lines 32-49; column 3, lines 3-15; column 5, line 63-column 6, line 2).

Hurd does not specifically disclose an aircraft manufacturer and providing a suggested cost for the resolution of the issue. However, as applicant has eloquently stated in the background to the instant application: “[m]any industries produce complex systems that have long service lives and thus must be continually monitored and engineered in order to meet, for

example, evolving demands of the application as well as safety and maintenance concerns. Such system may include, for example, aircraft, rail systems, medical systems, weapon systems, certain foods and drugs, and power generation plants where the continued support of the manufacturer and/or other originating entity is not only required for the upkeep of the systems (specification page 1).” Therefore, the implementation of the invention is not dependent upon the specific industry, but rather the system and method of facilitating issue tracking and resolution based on various parameters. For instance, a non-safety issue can be distinguished from a safety issue in Hurd based on assignment of the issue, priority and suspense parameters. Therefore, it would have been obvious for one of ordinary skill in the art at the time of the invention to utilize Hurd’s system and method to assign, track, monitor, resolve, store and access a plethora of issues in order to quickly, efficiently and cost effectively track, estimate the costs and resolve aircraft problems presented among a plurality of users.

2, 6, 12. A method/system according to Claim 1 further comprising storing the rejected issues for at least one of further monitoring and or future reference (column 5, lines 56-58; column 6, lines 21-27; column 6, line 59-column 7, line 15).

3, 7. A method/system according to Claim 1 wherein the sending step comprises sending a set of resolution directions further including at least one of an assignment of the action issue to one of the customer or the originating entity or a criteria for designating the action issue as being resolved (column 4, line 47-column 5, line 2).

11. A method of collaboratively identifying, prioritizing, and resolving issues affecting a series of similar complex systems, the method being implemented over a computer network and comprising:

- receiving issues and comments corresponding to the issues from a customer or an originating entity administering the series, wherein the receiving step comprises receiving the issues and comments for posting on a discussion-capable electronic media configured to have a plurality of issues and a plurality of comments posted thereon (see above);
- separating the posted issues into rejected issues and action issues based on the posted comments (see above);
- prioritizing the action issues (column 3, lines 7-15);
- assigning an action issue to an assignee comprising one of the customer or the originating entity, the assignee being responsible for developing a resolution proposal for resolving the respective action issue (see above);
- sending the action issue and an associated set of resolution directions to the assignee, the set of resolution directions including issue-closure criteria to be met by the resolution proposal for the action issue (column 3, lines 28-37);
- receiving a resolution proposal for the action issue from the assignee; and (column 5, lines 23-66);
- evaluating the resolution proposal for the action issue with respect to the issue-closure criteria; wherein the separating, prioritizing, assigning, sending, receiving and

evaluating steps are performed by a committee including a customer representative and an originating entity representative (column 5, lines 23-column 6, line 32).

13. A method according to Claim 11 wherein assigning the action issue comprises assigning the action issue to an assignee according to the priority determined by the committee (column 4, line 40-column 5, line 23).

14. A method according to Claim 11 wherein sending the action comprises sending the action issue with an associated set of resolution directions including at least one of an implementation cost and or an implementation deadline to be met by the resolution proposal for the respective action issue (column 3, lines 28-37).

As per claims 4, 8, 10 and 15, Hurd discloses a method/system of collaboratively identifying, prioritizing, and resolving issues affecting a series administered by an originating entity, the series comprising a plurality of similar complex systems, the method being implemented over a computer network in communication with a first, second, and third computer device, the first computer device being adapted to be used by a customer in possession of a system in the series, the second computer device being adapted to be used by the originating entity, and the third computer device being adapted to be used by a committee comprised of a customer representative and an originating entity representative, the method comprising: receiving at least one of an issue or a comment corresponding to the issue over the computer network, from at least one of the customer and or the originating entity, on a discussion-capable

electronic media configures to have a plurality of issues and a plurality of comments posted thereon and accessible to the first, the second, and a third computer device over the computer network (column 2, lines 16-27; column 3, line 53-column 4, line 40); accessing the electronic media by the committee via the third computer device for the committee to separate the posted plurality of issues into rejected issues and action issues, at least partially based on the posted plurality of comments, and for the committee to prioritize the action issues (column 6, lines 3-32); assigning an action issue by the committee via the third computer device to one of the customer or the originating entity to have a resolution investigation conducted thereon and sending therewith a set of resolution directions for conducting the resolution investigation for the assigned action issue over the computer network to the one of the customer and or the originating entity via the corresponding one of the first computer device or the second computer device (column 4, lines 47-59); receiving a resolution proposal, resulting from the corresponding resolution investigation, for the action issue over the computer network, from the one of the customer or the originating entity assigned the respective action issue, the resolution proposal being accessible by the committee via the third computer device for the committee to evaluate the resolution proposal (column 5, lines 32-49); and directing implementation of the resolution proposal for the evaluated action issue by the committee via the third computer device over the computer network, the committee then directing closure of the action issue upon completion of implementation of the resolution proposal, wherein the assigning, receiving and directing steps occur for each of a plurality of action issues at least partially based upon the priority determined by the committee (column 3, lines 3-15; column 5, line 63-column 6, line 2). Hurd does not explicitly limit or provide for the use of his invention to a specific industry, i.e., aircraft. Hurd

fails to disclose an aircraft manufacturer as the originating entity involving aircraft non-safety issues.

However, as applicant has eloquently stated in the background to the instant application: “[m]any industries produce complex systems that have long service lives and thus must be continually monitored and engineered in order to meet, for example, evolving demands of the application as well as safety and maintenance concerns. Such system may include, for example, aircraft, rail systems, medical systems, weapon systems, certain foods and drugs, and power generation plants where the continued support of the manufacturer and/or other originating entity is not only required for the upkeep of the systems (specification page 1).” Therefore, the implementation of the invention is not dependent upon the specific industry, but rather the system and method of facilitating issue tracking and resolution based on various parameters. For instance, a non-safety issue can be distinguished from a safety issue in Hurd based on assignment of the issue, priority and suspense parameters.

Therefore, it would have been obvious for one of ordinary skill in the art at the time of the invention to utilize Hurd’s system and method to assign, track, monitor, resolve, store and access a plethora of issues in order to quickly, efficiently and cost effectively track and resolve aircraft problems presented among a plurality of users.

16. A method according to Claim 11 further comprising requesting, by the committee, approval of the at least one issue-closure criteria associated with the action issue, from at least the customer, prior to assigning the action issue to the assignee (see column 3).

17. A method according to Claim 11 further comprising obtaining, by the committee, a commitment from at least the customer to implement a resolution proposal to the action issue meeting the at least one issue-closure criteria, prior to assigning the action issue to the assignee (columns 3-4).

New claims 18-20 are directed to portion of claims addressed above and are rejected accordingly under Hurd.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

- US Patent 5,793,365 and 5,960,173 to Tang et al.
- US Patent 5,878,214 to Gilliam et al.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Bradley B. Bayat whose telephone number is 571-272-6704. The examiner can normally be reached on Tuesday - Friday 8 a.m.-6:30 p.m. and by email: bradley.bayat@uspto.gov.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Trammell can be reached regarding urgent matters at 571-272-6712.

Art Unit: 3621

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Any response to this action should be mailed to:

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Or faxed to:

(571) 273-8300 - Official communications; including After Final responses.

(571) 273-6704 - Informal/Draft communications to the examiner.



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